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EXAMINER

DUONG, TAI V

ART UNIT PAPER NUMBER

2871

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/055,107

Applicant(s)

HUNG ET AL

Examiner

Tai Duong

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 3, 4 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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The rejections over Walker et al and Applicant's Prior ART (APA) in view JP No. 9 -174909 are withdrawn in view of Applicant's remarks and amendments to the claims.

Claim 12 is objected to because the intended meaning of the phrase "arranged with " is unclear. In the below rejections, the phrase "arranged with " is interpreted by the examiner as "provided with".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art Disclosure (APAD) in view of Ogata et al.

APAD discloses a back panel structure of LCOS similar to that of the instant claims (specification, page 2, lines 4-19) except for a break protective layer, arranged on the alignment layer 106 direct above the routing/pad region 104. Ogata et al disclose in Figs. 3-5 that it was known to form a protective layer 10 direct above the routing/pad region or lead terminal region ((col. 3, lines 14-25 and lines 35-42). Thus, it would have been obvious to a person of ordinary skill in the art in view of Ogata et al to arrange a protective layer direct above the routing/pad region in APAD's structure for protecting the routing/pads.

Claims 12-15 and 17 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over JP No. 2001-3377316 (JP'316) in view APAD.

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The JP'316 discloses in Figs. 13 and 14 a liquid crystal cell structure comprising a transparent substrate 120, a sealant material 140, an alignment layer 180, a LC layer 130, and a routing/pad region (310, 380) being provided with a break protective layer 370. Thus, the only difference between the LC structure of the JP'316 and that of the instant claims is the silicon back panel (LCOS). APAD discloses that it was known to employ LCOS (page 2, lines 4-19, specification). Thus, it would have been obvious to a person of ordinary skill in the art to employ a silicon back panel in the structure of JP'316 for obtaining a display with small size and high resolution, as compared to other LCD types.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claims 3, 4 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record discloses or suggests a break protective layer being a dielectric layer or photoresist disposed on the alignment layer direct above the routing/pad region.

Applicant's arguments with respect to claims 1, 5 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Tai Duong at telephone number 703 308-4873.

TD  
TVD  
9/03



KENNETH PARKER  
PRIMARY EXAMINER